G. R. S. IX-5]

Previous references.

File No. 22 -08

1908.

Serial Nos. 1, 2, 3, 4, 5, 6

(S. R.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1, 2, 3, 4, 5.

Part B for January 1917

SUBJECT.

claim to the Toddy Excise Revenue of Jodi Konagahalli village T. Narasipur TK.

H 6. 1

H No 3818—9 Dt. 1. 17. To the Excise Commr and Comptroller

Holds that the Inamdar is privileged and entitled to the Toddy Revenue

W D 88—GPB—50,000—24-7-16

A Janakiram

6—3—17.

G.R.S.11]

1908.

GENERAL AND REVENUE SECRETARIAT

(8th)

NOTES.

File No. 226-09

FILE HEADING.

Claim to the toddy cutch reserved for Konagahalli village, T. Narsipur Taluk, Mysore District

From

The Revenue Commr

No. 8767 Dated 26/May Received 28/May

Diary No. 3/688 Enclos. 1 file Spare Copies { Serial No. 1

BRIEF ABSTRACT OF LETTER.

Submits the record of enquiry relating to the above claim and states that the claim is to be allowed subject to rules 2, 3, 5 & 12

NOTES AND ORDERS.

1) The village has only a toddy shop and no grove. The village was created in 1613 on Sadamangala tenure. It was subsequently changed into Jagir. It is not known when and

NOTES—First sheet

GPB—30,000—3-4-07.

(2)

Serial No.

under what circumstances it was so altered. The Tahsildar has produced no sanad to show either "Kachal Pattai" or "Sendi" was conceded to him. The Tahsildar explains that it was not usual in the year 1873 to specify this item in the sanad and the Excise Commr accepts this explanation. The entries in Cols. 11, 13 & 14 and the remarks of the Tahsildar (paras 1 to 4) in Col. 19 of the Tahsildar's map furnish some useful information, but they are left blank in the extract furnished by the Tahsildar.

2) This village was settled by the Tahsildar in 1879 and 1880. The Tahsildar has in para 5 of Col. 19, stated "the items of sayer and reserved forest including sandal are reserved. Sendi is enjoyed". The Tahsildar has in his final orders of 2/8/81 "confirmed as above". The Tahsildar's title deed concedes to him All the sayer items from the Excise

G. R. S. 12]
General and Revenue Secretariat.

File No. 226 of 1908

Serial No.

Comr. Bombay and Sindh states that the Inam Settlement has conceded the toddy excise to the Inamdar.

3) As regards enjoyment there has been continuous enjoyment from 1870. A copy of the telegram on Supt's order No 9 or 10 of 1867 is produced to prove enjoyment and this order directs the daily supply of 6 seers of toddy to the village as per manual.

4) The investigating officer & the Dy. Commr's opinions in this case are not definite.

5) The points requiring consideration are:-

1) Whether the Sanad or any other document concedes toddy excise revenue

2) Whether the Inam Settlement concedes this revenue

3) If the Inam Settlement concedes this while the Sanad does not concede whether the former can be adhered to

GPB—50,000—18-5-08

G. R. S. 12]
General and Revenue Secretariat.

8M File No. 22 C of 1908

Serial No.	
	4) Whether the case satisfies the rules of August 1907
	5) Before proceeding further it would be better to get copies of entries in Col. 11, 13 & 14 of the Inam Register.
	Submit with a draft according to rule.
	6) Issue
	29/4
2	To the Supt. of the Inam Settlt. No. R. 7126 dtd. 4.5.09. Forwards an extract of the Inam Register of this village to up. Sls 11, 13 & 14 &c: thereof.
3	From the Inam Supt. No 929 of 14/5/09. Returns the copy of the Inam Regr. of enquiry with therein necessary entries.
	8) The entries in Cols. 11, 13 & 14 of the Inam Regr. do not seem to suffice the case

NOTE—Contn. sheet.

GPB—50,000—18-5-08.

G.R.S. 12]
General and Revenue Secretariat.

File No. 226 of 1908

Serial No.

9 It seems that the Commissioner considered as the Seemo Shekadoulel Case wherein the old accounts referred to in Cyc. no 5671-9-Sh 173-07-4 & 3014/08 were consulted & wherein any of these show that the body preference was either enjoyed or conceded to the Diwan.

10 Submitted with a draft letter

[illegible]
4/6

[illegible]
8/6

4 To the Excise Commr in Mysore No: H 7885 dt 11/6/09.
Enquires whether the old accounts were consulted and if so requests to furnish extracts or copies of the same at an early date.

5 From the Excise Comr. no 4390 dt 08/4/
Forwards copy of his Commr letter no 3 to dt 3/4/09 stating that the old accounts referred to are not

Note—Contn. shee

Serial No.

available either in the Taluk or in the Dt. office

11) The absence of old accounts specially that of 1834-5, was noticed even at the time of the Inam Settlement. And it is really unnecessary at present, as in a case of the kind under reference where there is only a toddy shop & the claim is only for Sprise Rev:, the procedure for determining the claim is laid down in Rule 18 of 2nd August 1901. Vide sub-para 3. It lays down that when the claim is for Sprise Rev: only, the Inam Settlement should be the starting point. It further lays down that, when by use of unambiguous words such as Sendi it is conclusively clear from the Inam Settlement Register that the Sprise Rev: has been conceded, the Inam Settlement should be adhered to. Now in this case, it is clear from the Inam Settlement Register that Sendi was enjoyed & therefore confirmed to the Inamdar. There is abundant proof of enjoyment both subsequent & prior to that Settlement. This seems therefore a clear case entitling the Inamdar to the Sprise Rev: from toddy of his village. Under the

GPB—50,000—12-8-10

12-2-6-08.

(7)

G. R. S. 12]
General and Revenue Secretariat.

R File No. 226 of 1908-9 | 10

Serial No.

rules proposed to issue, the Inamdar will be entitled only to the Sh. rent + nothing else.

Submitted for orders.

K.S. (70)
13/12/60

Q-5
13/12/60

14) This Case also may be overlooked for present, that is, till the rules are revised. Recognition of the claim is enjoyed but it would be adding to our existing difficulties if we go on recognising claims now

recommendit ? ?

SA
13/1/11

VKC

1988
13.1.11

13) I agree
KMS
13/1/11

14) Subt for orders. May the claim be recognised in view of the facts represented above.

24/11/16. 15) The Inam Settlement Concerns Excise Revenue and there has been proof of enjoyment within 12 years preceding 1892-3. Therefore the claim is admissible. [Vide rules 18 (3) + 19 of the Inam Manual 1901. Page 124 Excise Manual]

(c for 1881-1882 and for 1887-1888)

The usual draft order sg may be put up
30/11.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

3488

G. R. S. 12]
General and Revenue Secretariat.

8R File No. 226 of 1908

	Serial No.	
		1) Draft holding the inamdar as privileged is filed for orders.
5 / 6		4/12/16 Rev Sec 7) 5/12
		17) For approval or other orders
208 / 6.12.16.		1st & 2nd members) 5/12
		Approved 4 6/12/16
971 / 7.12		(18) Approved 7.12 7/12/16
		11/12
mas / 3446 / 13.12.16		19) Submitted for approval before issue
		Dr Brown) 12/12/16
		20) Sd apruy
		3.1.17.
		21) Issue
		4.1.17.
	6.	To the Excise Commissioner and Comptroller.
		No 7l 3818-9 Ds 6.1.17
		Holds that the Inamdar is privileged and entitled to the toddy revenue.

NOTE—Contn. sheet.

5-3488

Excise Commissioner's Office,

No. 8767 Dated, Bangalore, 26th March 1909.

From

H. H. Sparkes, Esquire,

Excise Commissioner

in Mysore.

To

K. S. Chandrasekhara Aiyar, Esq., B.A., B.L.,

Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Depts.

Sir,

I have the honor to submit herewith the records of enquiry relating to the Inamdar's claim to the Excise revenue from toddy of Jodi Konagahalli village in the T. Narsipur Taluk of the Mysore District, together with the correspondence ending with the Deputy Commissioner's docket No. 616, dated 1st March 1909 and to state that while the Deputy Commissioner is of opinion that the Inamdar is entitled to shop-rent only without tree-tax the investigating officer restricts the payment of such shop-rent in full to the present Inamdar and in moiety to the second life. I regret my inability to concur in either of these decisions.

2. The village appears to have been granted as Agrahar Sarvamanya by His Highness the late Raja Wadayar of the Mysore throne in the year 1536 of Salivahana Sakha corresponding to the English year 1613 A.D. Neither the original Sannad nor an athenticated copy of the same has been produced by the Inamdar. But in the unauthenticated copy filed in the records there is no mention of "Sendi" or "Eachalpairu" as having been conceded to the Inamdar. It may be as the Inamdar explains in his written statement, that so far back as 1613 A.D., it might not have been the practice to mention "Shendi" or "Eachalpairu" specifically.

specifically. His Highness ~~the~~ concedes all that has been -- conceded to him by Sri Venkatapathideva Maharaya. There is no reservation of any item. The Inamdar has produced a document -- dated 2nd Bhadrapada Suddha of Rakthakshi corresponding to the English year and sealed with Devaraj seal but not signed by any one and ending only with the word " Srinivasa ", purporting to be an order to the Address of Srinivas Rao by Amildar Venkat ramanaya. There is no mention of "Shendi" or "Eachalpairu" in this either. But it has to be observed that this document - - concerns itself with the increased assessment and directs that the original assessment alone should be collected from the - - Brahmins. There is, therefore, no opportunity for the mention of anything relating to toddy in this order. This document -- shows that after the original grant the tenure of the village was changed from Sarvamanya to that of Jodi or light assessment.

3. At the Inam Settlement of the village conducted in the -- years 1879 and 1880 the Inam Assistant has recorded in column 19 of the Inam Register of Enquiry that "Shendi" is enjoyed -- and the same is also mentioned under items enjoyed. The Inam Superintendent Colonel Robert Cole has recorded in column 20 "confirmed as above". The claim to the Excise Revenue from -- toddy was therefore recognised at the Inam Settlement and the enjoyment of this item of revenue by the Inamdar at the time of the settlement was also admitted. Besides in the Title-Deed the item of toddy is conceded. In para 3 of rule 18 of the -- rules of the 2nd August 1901 it is laid down that the Inam - - Settlement and the Title-Deed should be the starting point. It is conclusively clear from the Inam Settlement Register that-- toddy Excise has been conceded and the Inam Settlement should therefore be adhered to. Jodi Gajjiganahalli in the Nanjangud Taluk and jodi Vaddarahalli in the Tumkur Taluk are only two of the many instances in which recognition at the Inam Settlement supported by long enjoyment of the right, has been held

sufficient

3)

sufficient to allow the Inamdar's claim.

4. In proof of the enjoyment of the Excise revenue from toddy of the village, the Inamdar has produced satisfactory evidence from so far back as 1861. The Ashtagram Superintendent's order No.9, dated 10th June 1861 to the Amildar of Talakad directing the daily issue of six seers of toddy to this village as per -- mamool takes the enjoyment even prior to 1861. The agreement dated 31st December 1881 executed by Messrs Davy, Muddappa and Co., agreeing to pay Rs.1-3-10 per month from 1st April 1881 to 31st March 1884 is the last Mutchalika produced by the Inamdar. As regards the want of proof of enjoyment for the three years from 1884 to 1887 it has to be remembered that Messrs Davy, -- Muddappa and Co., were the toddy contractors of the Mysore - - District for 6 years from 1st April 1881 to 31st March 1887. - It may, therefore, be well presumed that for the next three -- years also after 1884, the same firm paid at the same rate to the Inamdar. This presumption is strengthened by the fact that in Revenue Miscellaneous case 3 of 1899 the subsequent contractor has deposed "that his predecessor had a shop in the -- village and paid". The Government order No.1193, dated 26th March 1890 brings the enjoyment up to the year 1889. In this order it has to be observed that Government have said that the contractor is bound to pay the Inamdars according to custom, -- whether or not the contractor has chosen to exercise the Inamdar's toddy Excise right. This is exactly what I have advocated in more than one case that so long as the Inamdar has leased -- out the right of vending toddy in his village and has derived an income therefrom, his claim is not vitiated by the fact that the contractor did not chose to exercise the Inamdar's right within the village. Notice No.73, dated 18/22nd April 1890 and another dated 27th July 1891 from the Deputy Commissioner, - - Mysore District, to the Inamdar show that payments were made to the Inamdar up to the year 1891. But it cannot be asserted that the payments were on account of the toddy excise for the

period

period subsequent to 1889. Any how from the evidence produced I am satisfied that the Inamdar has been in the enjoyment of the right from a very long time even prior to 1880 and the -- Inam Settlement has fully recognised it. I, therefore, hold that the Inamdar is entitled to the Excise Revenue from toddy of the village.

5. At present there is a toddy shop in the Inam village but there is no date grove. The case, therefore, falls under rules 2, 3, 5 and 12 of the 2nd August 1901.

6. In regard to the decision of the Deputy Commissioner that the Inamdar is entitled to shop-rent but not to tree-tax I beg to submit that payments to privileged Inamdars under the Tree-Tax System are regulated by certain rules. So long as those rules are not altered and have been made applicable to so many other Inamdars, they have to be adhered to, in the present -- case as well. There is no rule which allows of shop-rent only without tree-tax. Rule 12 applies to this case and shop-rent and tree-tax have to be paid to the Inamdar. As regards the -- limitation of the payment of the shop-rental imposed by the -- investigating officer I beg to submit that Government have -- applied the principle underlying the late Chief Commissioner's Proceedings No.3697/Rev.30, dated the 8th October 1873, only to cases falling under Rule 20. These are cases in which the right is unsupported either by the Sannad or the Inam Settlement. All the three cases quoted by the Deputy Commissioner in his docket No.616, dated 1st March 1909, are of this description. In the case of Hyakanur the holder of the alienated village was not entitled to the toddy revenue of the village either under the Sannad or under the Inam Settlement; Horiyala was unsupported either by the Sannad or the Inam Settlement; and in Udabur the Sannad did not expressly concede the toddy excise revenue and the Inam Settlement had actually reserved it to Government. At

any

5)

any rate, I am not aware of any case in which recognition of the right at the Inam Settlement supported by long enjoyment has been held to entitle the Inamdar only to shop rent without tree tax or only to shop rent in full for one life and half for the second life.

I have the honor to be,

Sir,

Your most obedient servant,

Excise Commissioner.

G.R.S. 26]

6)
226
File No. 68
Serial No 2

Diary No. of letter replied to 3486

No. H 7126
of 4th May 1909

General and Rev. Secretariat
(S/L)
, the 190

To
The Sub-Collector of Tiruvannamalai
Sir,
I am directed to forward herewith the extract of the Inam register of enquiry (Sheet no 70) Mondagamalli, Sasalhalli & Naraspuram Taluk and I am directed to request that you will be so good as to have the entries in cols 11, 13 & 14 as also paras 1 to 4 of the recommendation of the Inam Board in

over.

SUBJECT.

Col 19 duly entered and the Extract returned to this office

3488

List of enclosures,

Copied by

Examined by

MGCPB—50,000-10-12—04.

N 5075 84241 80 8)

1908-09.

From SR 226-08 8(3)
The Superintendent of Inam Settlements, Mysore

To The Secretary to the Government of H. H. the Maharaja of Mysore, General & Revenue Departments

Dated 14th
Despatched 15th } May 1909.
Received

General No. 92
No.

Enclosure No. 1

Returns the extract of the Inam Register of Konganahalli Village, T. Narasipur Taluk, duly filling in the columns, 11, 13 and 14 and paras 1 to 4 of col. 19.

9,

Inam Superintendent's Office

No. 92 / Enc. 1

Dated, Bangalore 14th May 1909

From

8/h 226-08 (8)

The Superintendent of Inam Settlements in Mysore

To

The Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Departments.

Sir,

As desired in your letter No. 7l 712b / S.R. 226-08-2 dated 4th May 1909, I have the honor to return herewith, the extract of the Inam Register of enquiry (Sheet No. 70) of Konga-halli Village, Sosale Hobli, T. Narasipur Taluk, duly filling in the columns 11, 13, 14 and paras 1 to 4 of the 19th column.

I have the honor to be,
Sir,
Your most obedient Servant

D. Kumara Rao

Superintendent of Inam Settlements in Mysore

G.R.S. 26]

File No. 226

Serial No. 4

Diary No. of letter replied to 4241

Encl 2 files 1 calendar 1 [illegible] pringing

No. H 7885

To The Excise Comr in Mysore

21 June 09

General and Revenue Secretariat

(SH)

, the 190

Date of issue

Signed by

Sir,

In returning herewith for perusal and resubmission the record of enquiry relating to the claim to the Local Excise revenue of Jodi Konagahalli village in Narsipur taluk, received with your letter no 8767 of 26/ over 3/ee

SUBJECT.

MSN 20/6/09

I am directed to
acquaint whether the old
accounts referred to
in G.O. H 5671-9-8M.
173-07-4 & 30/4/08
were consulted
~~& satisfied that this~~
~~revenue was either~~ to find out whether
~~Conceded or acquired~~ the item of Toddy was
~~by the Inam~~ included
in the Revenue of this
village. If so the
Copies or extracts
of such accounts
may also be furnished at an early date

I have &c.

Sd/-
[illegible]

List of enclosures.

Sd/-
[illegible]
2/6/09
[illegible] 4/6

Copied by

Examined by

MGCPB—30,000—16-2-05

No. 4390
1 12 files

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE,

Bangalore, dated 18th November 1909.

From

H. H. Sparkes, Esquire,
Excise Commissioner in Mysore.

To

K. S. Chandrasekhara Aiyar, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments.

SIR,

Adverting to your letter No. Fl.7885/S.R.226-08-4, dated the 11th June 1909 and subsequent reminder thereon enquiring whether the old accounts referred to in Government Order No. Fl.5671-9/S.R. 173-07-4, dated the 30th April 1908, were consulted in the case of the claim of the Inamdar of Jodi Kongahalli village in the T. Narsipur taluk to the Excise revenue from toddy of the village, I have the honor to forward herewith a copy of a docket No.318, dated the 15th Instant received from the Deputy Commissioner, Mysore District.

2. The records are herewith resubmitted.

I have the honor to be,
Sir,
Your most obedient servant,

for Excise Commissioner.

D 2029

19 .

From

H. H. Sparks, Esquire,

Excise Commissioner in Mysore.

S. R. 226-08
8 no. 5

To

K. S. Chandrasekhara Iyr. Esq.
B. A., B. L.,

Secretary to the Government of
H. H. the Maharaja of Mysore,
Genl. and Rev. Depts.

Dated 18-11-09

Despatched 22-11-09

Received

General No. 4395

Enclosure No. 1 & 2 pieces

SUBJECT.

Forwarding a copy of a docket no: 318 dy 15th instant, received from the Dy Commissioner, Mysore District, on the subject re the claim of the Inamdar of Jodi Kongalalli village in the T. Narsipur Taluk to the Excise revenue from toddy of the village.

GPB—2,000—31-7-09

13)

From

The Deputy Commissioner,
Mysore District.

To

The Excise Commissioner
in Mysore.

Dated 4/15th November 1909.

Despatched

Received

General No. 318.
No.

Enclosure No. 1 file and calendar..

No H. 17885-S.R. & 11-6-09
26-08-04

His docket No.11298, dated the 16th June 1909 forwarding copy of the - - marginally noted letter from the - - Secretary to Government, calling for the extracts and copies of certain old accounts in connection with the enquiry into the claim of the Jodidar to the toddy Excise revenue of Jodi Kongahalli in the T. Narsipur taluk.

In resubmitting the records - - relating to the case, has the honor to state, in continuation of this office docket No.160, dated the 26th August 1909, that the search caused to be made in the Taluk records for the - - required old accounts has also proved unavailing. Hence it is not possible to find out whether the item of toddy was included in the beriz of the - - village.

(SD) H.Seetharamiah
for Deputy Commissioner

"Copy"

Bramanna
for Excise Commissioner.

GEN. & REV. SECRETARIAT.
TYPING Sec.
5 JAN 1917

G.R.S. 28]

Holds that the inamdar is principal and entitled to toddy revenue.

14)

File No. 226-08.
Serial No. 56.

Diary No. of letter replied to

GENERAL AND REVENUE SECRETARIAT.

, the 191 .

Date of issue 6-1-17

Signed by Mr Sreenivasaiengar

Proceedings of the Government of His Highness the Maharaja of Mysore

READ—

Correspondence ending with letter no. 4350 g 18/11/1909 from the Excise Commr in Mysore regarding the claim of the inamdar to the excise revenue from toddy of Konagahalli village, J. Narasipur Tk.

ORDER THEREON:—No. H 3818-9
26 Jan 1917

The village was granted as sarvamanyam in 1613 and the sanad is not produced. But the Inam Settlt concedes excise revenue from

over.

SUBJECT.

toddy and its enjoyment has been proved for 12 years preceding 1892-3. Concurring therefore with the Dy. Commr and the Excise Commr, Govt ~~[illegible]~~ consider the inamdar as "privileged" and entitled to the excise revenue from toddy.

5/12/96

Rev Secy to Govt.

5/12

The Excise Commr in Mysore with records.
The Comptroller to Govt

Mysore
4/12/96